

EXHIBIT F

1 description?

2 A That's correct.

3 Q Okay. And then the second part of
4 that, did you draft deeds of trust that were
5 sometimes in first position, you know, first deed
6 of trust versus a second deed of trust?

7 A Some deeds of trust that I drafted
8 were in first position, some were in the second
9 position and some were in no position because they
10 were not recorded.

11 Q Okay. We'll come back a little bit
12 later. But for the ones that were not recorded,
13 why were they not recorded?

14 A I was instructed not to record
15 certain ones --

16 Q Okay.

17 A -- or transactions didn't happen.

18 Q Okay. Who instructed you not to
19 record the deeds of trust?

20 A That would have been Eagle.

21 Q Eagle.

22 And who on behalf of Eagle?

1 A Amit Jain.

2 Q All right. And how did he instruct
3 you? Was this by telephone? An e-mail?

4 MR. BURNS: Objection. Compound.

5 THE WITNESS: In person, by e-mail.

6 And I don't recall telephone calls.

7 BY MR. SHAFFER:

8 Q Okay. But --

9 A It's feasible.

10 Q It's possible?

11 A Uh-huh. But I don't recall.

12 Q But you do recall him in person
13 directing you, meaning Amit Jain, to not record a
14 specific deed of trust or by an e-mail by telling
15 you --

16 A Correct.

17 Q -- not to record a deed of trust?

18 A Correct.

19 Q Okay. Did he explain why?

20 Do you recall the excuse or -- or not
21 excuse, the reason why he was directing you not to
22 record a deed of trust?

1 A No.

2 Q All right. And you sat in Amit
3 Jain's deposition the -- on February 8th, correct?

4 A Correct.

5 Q Were you there when Mr. Jain
6 testified that the reason why he didn't record some
7 of the deeds of trusts is because Shail Butani
8 instructed him not to?

9 A Yes.

10 Q Did you ever hear Amit Jain tell you
11 in person, by telephone, if it might have happened,
12 or an e-mail, do you recall if Amit Jain ever said,
13 "Don't record this deed of trust because Shail
14 Butani asked me not to"?

15 A Yes.

16 Q He did say that?

17 A By e-mail.

18 Q By e-mail.

19 All right. And what property was
20 this?

21 A I mean, I know you have all the
22 e-mails, but for certain Lynn, Windover, and

1 Lawyers.

2 Q When did he tell you that, if you
3 recall?

4 A Consistently.

5 Q For Lynn, Windover, and Lawyers?

6 A Yeah.

7 Q Only for those -- that's what I want
8 to know. Were there other properties other than
9 Lynn, Windover, and Lawyers that he said, "Don't
10 record these because Shail Butani asked me not to"?

11 A I believe it was just those three.

12 Q Just those three. Okay.

13 Did Mr. Jain -- go ahead.

14 A Well, that -- no. I -- I'm -- go on.
15 I'm sorry.

16 Q Okay. Did he -- did Mr. Jain put in
17 an e-mail why he wanted to delay -- Ms. Butani had
18 asked him to delay recording the deed of trust?

19 A He would just say "she knows."

20 Q He'd just say "she knows"?

21 A Uh-huh.

22 Q Okay. And did you ask him what that

1 means, "she knows"?

2 A No.

3 Q Do you recall the context of why --
4 of what was going on in that transaction as to why
5 he didn't want those recorded or asked them not to
6 be recorded?

7 A Context would be if I received an
8 e-mail from Bala Jain, I would forward that to
9 Amit/Eagle for instructions.

10 Q Okay. What's the e-mail from Bala
11 Jain that you recall receiving that you forwarded
12 to Amit Jain for instructions?

13 A She was looking for documents on
14 these properties.

15 Q Okay. Only Lynn, Windover, and
16 Lawyers properties?

17 A Right.

18 Q And when you say "documents," was
19 Ms. Butani requesting a deed of trust?

20 A Yes.

21 Q Okay. Do you recall receiving
22 e-mails from Bala Jain or Shail Butani stating that

1 it was her understanding that she would have a
2 first deed of trust for all of the transactions
3 that she funded?

4 A I received that -- could you give me
5 the e-mail date on that?

6 Q I'll go to it later. I'm just asking
7 you if you recall receiving an e-mail.

8 A In 2022, I believe.

9 Q Okay. And so you recall receiving an
10 e-mail from -- and is that only in 2022, you recall
11 receiving an e-mail for Lynn, Windover, and
12 Lawyers --

13 A No.

14 Q -- properties or was it for other
15 properties?

16 A I'm only actually referring to
17 Roxbury.

18 Q Roxbury.

19 A Uh-huh.

20 Q Okay. And do you ever recall her
21 asking earlier than that for deeds or you don't
22 recall?

1 A No.

2 Q Okay. And you don't recall seeing an
3 e-mail from Bala Jain earlier than 2022 about a
4 deed of trust or requesting deeds of trusts for
5 properties that she may have financed the purchase
6 or lending for?

7 A She asked for deeds of trust that I
8 forwarded to Amit looking for instructions.

9 Q Okay. And what did Amit say?

10 A Amit said, "Shail knows it's not
11 going to be recorded."

12 Q Okay. And did she just send one
13 e-mail about a deed of trust?

14 Did she send multiple e-mails about a
15 deed of trust?

16 A She sent multiple.

17 Q Okay.

18 A And I only -- go ahead. Yes.

19 Q All right. So she sent multiple.

20 And then what did you do each time
21 you got an e-mail from Shail Butani requesting
22 deeds of trust?

1 A I forwarded it to Eagle.

2 Q Okay. And "Eagle" being Amit Jain?

3 A Correct.

4 Q Okay.

5 A Do you want me to refer to Eagle as

6 Amit or -- because Eagle and Amit is --

7 Q Yeah, that's fine.

8 A -- the decision-maker and Eagle is

9 the entity.

10 Q No, that's fine. I'll clarify it --

11 A Okay.

12 Q -- and we'll just do it because I

13 think that creates a cleaner record.

14 All right. So when you forward these

15 additional requests to Amit Jain on behalf -- who's

16 operating on behalf of Eagle, what did Mr. Jain say

17 to you?

18 A There were a number of e-mails,

19 different responses. The ones that I can recall

20 off the top of my head would be, "Not to record,"

21 or "We're working on that, that's a couple of weeks

22 away. Worry about those type of responses." He's

1 on top of it basically.

2 Q Okay. Did you ever have any -- did
3 you ever reach out to Shail Butani to ask her what
4 was going on?

5 A No.

6 Q Do you recall ever replying to her,
7 to Shail Butani, when she was asking for the deeds
8 of trust and saying, "Amit told me -- Amit Jain
9 instructed me not to record them and said," you
10 know, the reasons why?

11 A No.

12 Q For any instances where Bala Jain or
13 Shail Butani was asking for loan paperwork, whether
14 it's deeds of trust or an assignment of a deed of
15 trust or assignment of rents, did you delegate to
16 Ms. Bowser or to Debra Fuller the task of finding
17 out what was going on on the loans?

18 Were they involved at all?

19 A If there was a recorded document or a
20 transaction had funded, then typically she would
21 get that request --

22 Q Okay.

1 you know, he's doing everything that he can do to
2 repay Shail. And, of course, being sued, I want --
3 I was very encouraging of that, because, you
4 know --

5 Q Yeah.

6 A -- I know part of this, and yet I'm
7 being brought into this, and if he could get that
8 resolved, of course, I'm like, of course, "Do
9 everything that you can to get this settled."

10 Q Do you recall his testimony that --
11 maybe we were talking earlier -- that the money
12 came into the Capital One account for Eagle and
13 that he moved it over to the Metro Sales &
14 Services' bank account and used it to pay various
15 expenses or to do other investments?

16 A I do.

17 Q And do you recall he said money was
18 either used for the properties identified in
19 paragraph 44?

20 And I'm drawing your attention back
21 to the additional properties identified in
22 paragraph 86. Do you recall that?

1 Do you want to flip to paragraph 86?

2 A Can you refresh -- say that one more
3 time? Sorry.

4 Q Yeah.

5 So I was asking him about what
6 happened with the money, right?

7 A Okay. Yeah.

8 Q And he said, "Well, some of it was
9 used for personal expenses" --

10 A Uh-huh.

11 Q -- "and others was done for
12 investments."

13 A Yeah, yeah, yeah. Okay.

14 Q Right?

15 Sometimes he didn't invest in the
16 properties, other times he invested in other
17 properties, and he -- I believe -- the transcript
18 should come in soon -- that he also said the some
19 of the properties he likely used the money for was
20 to invest in the properties identified in
21 paragraph 86.

22 A Yes, I recall.

1 Q Okay. And did he explain why he
2 bought the properties with Bala Jain's money, but
3 then won't sell them to repay the debt?

4 A Well, we never had any discussions
5 about that, so I can't comment on what he was doing
6 with the money.

7 Q Okay. Do you have paragraph 68 in
8 front of you?

9 A I do.

10 Q The same line of questioning, sir, we
11 asked earlier about, "Did you have any
12 involvement," or, "Was there limited involvement?"
13 And can you just run through that and tell me what
14 you recall?

15 A Well, I know he didn't have all these
16 properties, but -- all but one -- sorry, all but
17 one are -- no, there's two. Okay. So there's (a),
18 (b), (c), (d), (e), (f) -- so let's skip to (h) and
19 (i) are Pennsylvania. And I can't tell you which
20 ones specifically, but most of them, maybe there's
21 two or three that are not on that list, he retained
22 Streamline Title, I think is what it's called,

1 Streamline, I may not have the name exactly right,
2 to handle those transactions. And my sole role,
3 because, as my client, he wanted to do settlements
4 at my office and even though the other entity was a
5 mile away.

6 So we get papers e-mailed to me. I
7 print them, he would come in and sign them, or she
8 would. It was really Monika, not Amit, because she
9 was the signer, sorry. And then I would -- once or
10 twice overnighted it back to him, depending on the
11 time, but for the most part, they came over and
12 picked it up afterwards.

13 Q Okay. So your office was just a
14 location for --

15 A I was the notary.

16 Q For Paragraphs 86 (a) through (f) --

17 A Yeah, all --

18 Q -- and then (h) and (i)?

19 A Right.

20 And then there's three -- and I don't
21 really know if I did anything on these others,
22 write includes (g), (j), or (k), I just don't know

1 Q Your file?

2 A -- what's in my files.

3 Q Okay. Do you know when you had --
4 you first received the signed copy of the deed of
5 trust between Bala Jain and Eagle for Lawyers Road?

6 A Can you refresh me on the claim date?

7 Q Yeah. Let's go look back at
8 paragraph 44.

9 A Oh, okay. So it's paragraph (s).

10 Q Okay.

11 A And now I'm --

12 Q So paragraph (s), paragraph 44(s)
13 means, "On or about November 7, 2017" --

14 A Right. So --

15 Q -- "Bala Jain entered a loan with
16 Eagle whereby Eagle borrowed 240,000 for the
17 purchase of real property located at 449 Lawyers
18 Road, Vienna, Virginia."

19 A So I don't know which day I drafted
20 it, per say, but I'm pretty sure it was some time
21 in November. Maybe a couple of weeks after this
22 claim date.

1 Q So at some point in November of 2017,
2 maybe December of 2017 --

3 A I think it was November.

4 Q Okay. November of 2017 --

5 A Yeah.

6 Q -- Amit Jain gave to you --

7 A Instructions --

8 Q -- a deed of trust between --

9 A Yeah.

10 Q -- Eagle and Bala Jain for 449
11 Lawyers Road that was signed by both parties and
12 said --

13 A One party.

14 Q One party. Who's the party who
15 signed it?

16 A Monika.

17 Q With Eagle?

18 A Uh-huh.

19 Q Signed it, and said "Don't recall
20 it"?

21 A That's correct.

22 Q Okay.

1 Investments, LLC?

2 A Yes.

3 Q And is it also your understanding
4 that Amit Jain is the president of Eagle Properties
5 and Investments, LLC?

6 A No, he's not the president.

7 Q How do you know he's not the
8 president?

9 A An LLC cannot have a president.

10 Q How did you know that he had
11 authority to act on behalf of Eagle Properties and
12 Investments, LLC?

13 A Well, all my transactions were with
14 Monika, as the signer, so he was, as he wrote, the
15 decision-maker. And he would make decisions and
16 Monika would sign off. So he did not have the
17 ultimate authority, if that's what you're asking.

18 Q Did he not also represent that he
19 was -- I'm not questioning you, but didn't he also
20 represent that in addition to being the
21 decision-maker, he was the president of Eagle
22 Properties and Investments, LLC?

1 A I'm not sure who he represented it
2 to, but he definitely represented that he ran the
3 show and he was the decision-maker and he had the
4 authority to act on behalf of the company.

5 Q So I'm going to direct your attention
6 to 1203 Cottage Street, Northwest, Vienna,
7 Virginia.

8 A Okay.

9 Q And I'm going to show you what I've
10 marked as Exhibit Number 1, which is a copy of the
11 deed dated July 13, 2017, to Eagle Properties and
12 Investments, LLC.

13 MR. BURNS: David, it might be easier
14 if we go in order.

15 (Discussion had off the record.)

16 BY MR. MUSGRAVE:

17 Q So here's Exhibit 31. So, Mr. Kotz,
18 you notarized the signature of the grantors on this
19 deed, correct?

20 A That is correct, I notarized Robert
21 and -- and Iraj by his attorney-in-fact, who was
22 Robert, I assume.